

1
2 MARK CRAWFORD
3

4 923 21 AVENUE
5 SEATTLE, WASHINGTON 98122
6 206 683 8870
7

8 In Propria Persona
9

10 UNITED STATE DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 SEATTLE DIVISION
13

14 MARK CRAWFORD
15 Plaintiff
16 v.
17

18 WESTERN GOVERNORS
19 UNIVERSITY OF WASHINGTON,
20 Defendant
21

) Case No. 2:18-cv-00015 JCC
)
)
)
)
)
)
)
)
)
)
)
)
)
)

22
23 NATURE OF THE CLAIMS

24 1. This is an action for declaratory, injunctive and equitable relief, as well as
25 monetary damages, to redress Defendant's unlawful practices and retaliation against
26 Plaintiff, including Defendant's unlawful discrimination, harassment and retaliation
27 against Plaintiff because of his age, and because of his repeated complaints about
28 such unlawful discrimination, harassment and retaliation, in violation of Age
Discrimination Act of 1975 (the Age Act), 42 U.S.c. 6101et seq., and its

COMPLAINT

1 **implementing regulation, at 34 C.F.R. Part 110, which prohibit discrimination**
 2 **on the basis of age by recipients of Federal financial assistance.**

3 2. During the course of Plaintiff's nearly three-year history of enrollment at WGU
 4 Defendant repeatedly subjected Plaintiff to unlawful discrimination and harassment
 5 because of his age as well as to unlawful retaliation. Because of Plaintiff's age
 6 WGU mentors repeatedly and without evidence accused Plaintiff of cheating, then
 7 designated Plaintiffs principled, fact based, and WGU policy compliant proof
 8 defending his work as combative. Because of Plaintiff's age WGU established
 9 blatantly hostile environment where Plaintiff was badgered for "old school
 10 methods", wrongly accused of cheating, and subjected to Defendants (the WGU
 11 mentors, faculty, advisors, and direct supervisors) derogatory comments and notes,
 12 referring to Plaintiff as "old hard case", "old school", "old guy", "older student
 13 bound to struggle". Because of Plaintiff's age he was repeatedly subjected to acts of
 14 intimidation. Plaintiff has repeatedly complained about this and other
 15 discriminatory and harassing misconduct at WGU and in return has been subjected
 16 to unlawful retaliation designed to punish him for bringing these claims which
 17 included pressuring him to withdraw them.
 18

19 3. Rules for federal financial aid eligibility require "regular and substantive
 20 interaction" between students and instructors in distance education programs.
 21 Because of his age, over the course of Plaintiff's nearly three-year enrollment at
 22 WGU Defendant repeatedly denied Plaintiff interaction with mentors. Because of
 23 his age, over the course of Plaintiff's nearly 3-year enrollment at WGU, Defendant
 24 denied Plaintiff substantive interaction with mentors. During the course of Plaintiff's
 25 nearly 3-year enrollment at WGU, because of his age, Defendant denied Plaintiff
 26 substantive interaction with the task assessment teams assessing assignments and
 27 task responses the assessment of which is critical passing courses at WGU. Because
 28 defendant was "nearing sixty", deemed a "hard case", and an "older student bound

1 to struggle" WGU administrative supervisors moved Defendant from mentor to
2 mentor and WGU course mentors repeatedly refused to initiate interaction with
3 Plaintiff and refused and delayed interaction initiated by Plaintiff.

4 4. Defendant's conduct was knowing, malicious, willful and wanton and/or
5 showed a reckless disregard for Plaintiff, which has caused and continues to cause
6 Plaintiff to suffer substantial economic and non-economic damages, permanent harm
7 to his professional and personal reputation, and severe mental anguish and
8 emotional distress.

12 JURISDICTION AND VENUE

13 5. The Court has jurisdiction over this action pursuant to **Age Discrimination**
14 **Act of 1975 (the Age Act), 42 U.S.C. 6101et seq., and its implementing regulation,**
15 **at 34 C.F.R. Part 110, which prohibit discrimination on the basis of age by**
16 **recipients of Federal financial assistance.**

17 6. Venue is proper in this district pursuant to **Age Discrimination Act of 1975**
18 **(the Age Act), 42 U.S.c. 6101et seq., and its implementing regulation, at 34**
19 **C.F.R. Part 110, which prohibit discrimination on the basis of ageby recipients**
20 **of Federal financial assistance.**

22 PARTIES

23 7. Plaintiff Mark Crawford is a 61 year old man who resides, and at relevant
24 times resided in Seattle Washington. Autumn of 2013 WGU vetted Mr. Crawford's
25 application for acceptance to the WGU Teacher's College Master of Mathematics
26 Education program of study. WGU vetting required that Mr. Crawford satisfactorily
27 pass mathematics competency exams to demonstrate mastery of subject matter and
28 provide curriculum vitae that confirmed his B.A. in Mathematics to demonstrate
academic achievement necessary for admission to the WGU Masters of Mathematics

1 Education degree program. Mr. Crawford satisfied all required and was accepted to
2 the WGU Masters of Mathematics Education.

3 8. Defendant is a corporation authorized to conduct business in the State of
4 Washington with its office located at Western Governors University *20435 72nd*
5 *Avenue South, Suite 301. Kent, WA 98032* 1111 Westchester Avenue. At all
6 relevant times, Defendant owned and operated WGU Washington. At all relevant
7 times, Defendant met the definition of a "recipient" under all applicable statutes.
8

9 **PROCEDURAL REQUIREMENTS**

10 9. Plaintiff has complied with all statutory prerequisites to filing this action.

11 10. On or about March 25, 2015, the United States Department of Education's
12 Office for Civil Rights (OCR) received Plaintiffs complaint filed against Western
13 Governors University (University). The complaint was given case number 08-15-
14 2165 and alleged that the University discriminated against plaintiff on the basis of
15 age.

16 11. On November 25 2015 United States Department of Education's Office for
17 Civil Rights (OCR) concluded their complaint investigation and advised plaintiff of
18 his right to bring a civil action to sue.

19 12. (On November 28, 2017) Mr. Crawford provided notice under the statute by
20 registered mail; Jeff Sessions General of the United States, Betsey Devos United
21 States Secretary of Education, Eric Hargen, Secretary of Human Services, and WGU
22 council.

23 13. Any and all other prerequisites to the filing of this suit have been met.

24 **FACTUAL ALLEGATIONS**

25 **I. Background**

1 14. Mark Crawford is a mortgage loan officer, carpenter, father, and educator of
 2 daughters, USA swimming official, and aspiring teacher who was accepted to the
 3 WGU Masters of Math Education degree program autumn of 2013.

4 15. WGU states in their program advertisement that applicants to the WGU
 5 Master of Mathematics education degree are “Individuals who already hold a
 6 bachelor’s degree (preferably in a math-intensive subject such as math, engineering,
 7 or science), want to become a certified middle school or high school mathematics
 8 teacher, and earn a master’s degree”. Counselors from WGU confirmed that Mr.
 9 Crawford satisfied these criteria. Further, WGU requires a battery of testing and
 10 interviews for acceptance to their program. WGU notified Mr. Crawford passed all
 11 of the required tests, background checks, and curriculum vitae verification and that
 12 he was accepted to the Master of Mathematics education program. Mr. Torrance
 13 Banks was assigned as Mr. Crawford’s mentor. During his first interview with Mr.
 14 Crawford was asked by Mr. Banks to provide personal details of his life, his
 15 education, his family, and when the matter of Mr. Crawford’s age came up Mr.
 16 Banks warned Teaching is a “young man’s games”, he informed Mr. Crawford that
 17 “older students tend to straggle at WGU” and he challenged Mr. Crawford’s
 18 commitment to teaching by repeatedly asking “are you certain teaching is for you”,
 19 and “most teachers retire by 65, that’s not a lot of time”.

20 16. Mr. Crawford Started at WGU late in 2013.

21 17. As set forth in greater detail below, throughout his enrollment at WGU Mr.
 22 Crawford has been subjected to a barrage of discrimination and harassment on the
 23 basis of his age. Despite Mr. Crawford’s complaints and pleas for WGU to bring an
 24 end to the discriminatory and harassing conduct committed against him by his
 25 mentor, course mentors, and other WGU staff. WGU has turned a blind eye to his
 26 increasingly desperate plight.

II. Discrimination and Harassment on the Basis of Age.

1 **A. Discrimination and Harassment.**

2 18. Because of Mr. Crawford's age WGU established a practice of 1 not
 3 supporting Mr. Crawford in difficult educational situations. WGU harassed and
 4 humiliated Mr. Crawford in front of his mentors, course mentors, assignment review
 5 teams, teacher success group, administrators, and deans' office. WGU victimized
 6 and Targeted Mr. Crawford. Because of his age, WGU changed the rules for Mr.
 7 Crawford. WGU a modified Mr. Crawford's assignment terms, tasks, assessment
 8 requirements, the content to be mastered and terms of access and access to support.
 9 Because of Mr. Crawford's Age WGU changed Mr. Crawford's access to services.
 10 WGU repeatedly accused Mr. Crawford of misconduct, cheating, and because of his
 11 age claimed he would be incapable of carrying out the job of being a teacher.
 12 Because of Mr. Crawford's age WGU demoted him and disciplined him.

15 19. Mr. Crawford has been singled out by his mentor, course mentors, and other
 16 WGU representatives as a "special case". Summer 2014 Torrance Banks referred
 17 Mr. Crawford to the WGU Teacher Success group which is the WGU entity
 18 assigned the task of student discipline. Mr. Banks complained that Mr. Crawford
 19 used inappropriate language and swore over the telephone. Mr. Banks' had
 20 repudiated Mr. Crawford for asking Mr. Banks to help with an ongoing conflict Mr.
 21 Crawford was having with Joanna Henry, Mr. Crawford's course mentor who
 22 refused to follow WGU policy by preventing Mr. Crawford from submitting his
 23 homework to homework evaluation teams for objective analysis. Mr. Banks refused
 24 to assist Mr. Crawford with the WGU policy mandated appeal to evaluation team
 25 supervision pointing out that Mr. Crawford was "old and stubborn". Mr. Banks
 26 stated that "teaching is a young mans game" and likened Mr. Crawford's conflict
 27 with Ms. Henry to the eventual conflict Mr. Crawford would have as a teacher
 28 working for a much younger administrator. Mr. Banks stated, "Older students tend

1 to struggle at WGU". Mr. Banks stated that Mr. Crawford's "old school approach
 2 might be a bad fit for WGU". The Teacher success group required that Mr.
 3 Crawford "reflect on his conduct" and apologize to Mr. Banks. Teacher Success
 4 dismissed Mr. Crawford complaint and did not investigated Mr. Crawford's
 5 complaint that Mr. Banks references to Mr. Crawford's age demonstrated a certain
 6 bias against Mr. Crawford because of his age.

7
 8 20. Teacher Success and the WGU provost designated Torrance Banks a bad fit
 9 as he was "considerably younger" than Mr. Crawford and instead designated Linda
 10 Jonson "because she is a women in her sixties" as a better fit.
 11

12
 13 21. August 2014 Ms. Johnson informed Mr. Crawford that he was a "special
 14 case" and that she would have to "go strictly by the book with you". Ms. Johnson
 15 explained to Mr. Crawford, that because of his first strike, she would not allow the
 16 informal "flexibility" and "candid discussions" she allowed other students while
 17 dealing with Mr. Crawford. Ms. Johnson rationalized her decision to go strictly by
 18 the book in Mr. Crawford's case with the explanation: "Older students think they
 19 have more to teach us then we have to teach them. This is a problem." Ms. Johnson
 20 informed Mr. Crawford that she had discussed Mr. Crawford with his course
 21 mentors and that these course mentors were aware of Mr. Crawford's "challenges".
 22

23
 24 22. Because of his age Mr. Crawford contends with harassment through being
 25 made to meet special extra homework criteria. For example Mr. Crawford is made
 26 to satisfy requirements for homework assignment involving his "old school math"
 27 added by mentors that go well beyond the requirements of the published
 28 assignments. These additional requirements must be completed to satisfy course
 29 mentors before assignments are cleared for objective assessment by WGU
 30 assessment teams. WGU policy states that task responses assessment is to be
 31 completed by assessment teams but because Mr. Crawford was and "older student
 32

1 tending to struggle at WGU", course mentors added "special requirements to
 2 assignments", then denied Mr. Crawford access to objective task assessment.
 3

4 23. Because of his age and the WGU designation that Mr. Crawford is an "older
 5 student" and "special case". Mr. Crawford is made to repeatedly defend against
 6 unfounded claims of cheating. Mr. Crawford was accused of plagiarizing text and
 7 graphics from the Internet despite the fact that with each original graphic Mr.
 8 Crawford provided the computer code used to generate the graphic. In addition Mr.
 9 Crawford's homework responses meet WGU originality requirements by meeting
 10 the Turnitin standard for originality. "**Turnitin is an Internet-based plagiarism-**
 11 prevention service created by iParadigms, LLC, first launched in 1997." Turnitin
 12 will highlight ANY matching material in a paper—even if it is properly quoted and
 13 cited, and score a submission for similarity to content based databases. Mr.
 14 Crawford's task response Turnitin scores confirmed the originality of his homework
 15 submission. Without explanation and in spite of satisfactory Turnitin scores,
 16 mentors designated Mr. Crawford's work as "simply cut and pasted from the
 17 Internet" and refused Mr. Crawford access to regular and substantive interaction.
 18

19 24. For example, in the course "Mathematics History and Technology Joanna
 20 Henry refused to permit Mr. Crawford to submit his work for assessment unless he
 21 removed from his task responses text authored using Microsoft word symbolic
 22 representation of number systems and LaTex mathematics symbol representation
 23 because they were "a cheat simply cut and pasted from Wiki". Symbols such as
 24 equal signs, plus, minus, and multiplication arithmetic operators (=, +, −, ±, ×,),
 25 Greek variables (Θ , Δ , Ψ , Φ ,) and set theory expressions (\oplus , \subset , $\not\subset$, \in), and number
 26 systems identifiers for the real numbers \mathbb{R} for example are provided in the
 27 Microsoft Word Character Menu and La Tex typesetting of mathematical
 28 formulas. WGU mentors Linda Johnson and Joanna Henry accused Mr.
 Crawford of cheating for using them. Then they refused to allow assessment of

1 Mr. Crawford's task responses until the formulas were removed. Mathematical
 2 formula are essential to expressing the mathematical ideas that were the
 3 subject of Mr. Crawford's assigned task responses.

4 25. In the course "Mathematics History and Technology" Mr. Crawford provided
 5 graphic output from his original programs written and rendered using "The
 6 Geometers Sketchpad" and the open source computer algebra system SAGE. WGU
 7 mentors accused Mr. Crawford of simply cutting and pasting the "pictures" from
 8 the internet despite the fact that Mr. Crawford provided the original program
 9 code, input parameters, and graphic output from The Geometer's Sketchpad
 10 and from SAGE used to generate this graphic output. Mr. Crawford is a
 11 registered user of a SAGEMATHCLOUD account and is a licensed user of The
 12 Geometer's Sketchpad. When Mr. Crawford defended the originality and
 13 authenticity of the material he authored using these applications by proving his
 14 original Geometer's Sketchpad scripts and SAGE Python program (by including
 15 the original code in his task responses) and by pointing out that the material
 16 passed the originality tests (WGU uses Turnitin search based originality engine to
 17 flag plagiarism and gauge originality), Mr. Crawford was referred to teacher
 18 success for "lack of professionalism" which resulted in progressive discipline.
 19

20 26. Mr. Crawford made extensive use of Apple Grapher (a mathematics graphic
 21 application included with Apple OS), SAGE online computer algebra and graphing
 22 software and The Geometer's Sketchpad to provide graphs and color plots of
 23 complex functions. When he provided the plots along with the code to generate
 24 them he was accused of simply cutting and pasting graphic output created by other
 25 mathematicians from the Internet. Course mentors refused to clear his work for
 26 evaluation until the graphic output proved by the accompanying generating code to
 27 be original material was removed. This despite the fact the task responses scored
 28 satisfactory by Turnitin, the originality evaluation application used by WGU. When

1 Mr. Crawford demonstrated the graphics were essential to his task responses and
 2 were original work he was referred to Teacher Success for progressive discipline.
 3

4 27. WGU mentors abused the progressive discipline system at WGU by
 5 collaborated in creating a series of frivolous disciplinary complaints that
 6 accumulated to meet the 3 strike criteria for further disciplinary action.
 7

8 28. For Example a third strike disciplinary action resulted from a mentors
 9 complaint that Mr. Crawford was “sarcastic” in reacting to the claim made by Linda
 10 Johnson that “ it is harder to place older students in demonstration teaching
 11 environments “. It took WGU dean to intervene. When he recognized the complaint
 12 was frivolous and did not meet the WGU standard for a third strike. Subsequently
 13 Linda Johnson and Joanna Henry worked together to claim Mr. Crawford’s
 14 defending his work against Ms. Henry’s claim he cheated was grounds for a third
 15 strike.

16 29. Mr. Crawford explored topics in discrete mathematics, algebra, and number
 17 theory to create responses to ‘Mathematics History and Technology’ task responses.
 18 Joanna Henry was assigned as Mr. Crawford’s mentor for the ‘Mathematics History
 19 and Technology’ course. Ms. Henry referred Mr. Crawford to Teacher Success
 20 complaining that Mr. Crawford choose topic’s that reflected his “old way” of
 21 thinking about mathematics. Ms. Henry refused to permit the evaluation of Mr.
 22 Crawford’s task responses and complained to Teacher Success to discipline Mr.
 23 Crawford for choosing topics “deliberately over her head”. Ms. Henry dismissed
 24 Mr. Crawford’s task response choice of exploring polynomial functions over finite
 25 fields as an “old guy showing off”.

26 30. Passing classes at WGU requires assigned task responses (homework) be
 27 passed by evaluations teams. WGU policy prescribes that the evaluations teams
 28 provide objective evaluation of students’ task responses. Because of Mr.
 Crawford’s age, Ms. Henry, Gideon Weinstein, and other mentors repeatedly

1 prevented, in violation of WGU policy, Mr. Crawford's work from being submitted
 2 to the evaluation teams charged with evaluating task submissions. Ms. Henry,
 3 Gideon Weinstein, and other mentors repeatedly prevented regular and substantive
 4 interaction with Mr. Crawford to prevent Mr. Crawford from making academic
 5 progress. In the case of the Mathematics History and Technology course the delay
 6 exceeded a year.

7 31. When task response evaluations are disputed, WGU objective assessment
 8 policy prescribes that mentors must "unlock" tasks to be submitted to 'Senior
 9 Leadership in Mentoring'. Ms. Henry and Mr. Weinstein repeatedly refused to
 10 unlock tasks for appeal and referred Mr. Crawford to Teacher Success for
 11 progressive discipline for asking them to follow WGU policy and unlock his task
 12 responses.

13 32. Teacher Success arranged for Gideon Weinstein to take over as Mr.
 14 Crawford's 'Mathematics History and Technology' mentor when Ms. Henry's
 15 refusal to permit the evaluation of Mr. Crawford's "old school mathematics" task
 16 responses, and when teacher success determined Ms. Henry was unfamiliar with the
 17 finite field mathematics referred to in in Mr. Crawford's task responses. Mr.
 18 Weinstein complained to Mr. Crawford that it had been a long time since he served
 19 as mentor for the History and Technology class and was "very busy with his other
 20 classes" but that he was willing to work with the "old guy". Mr. Weinstein warned
 21 Mr. Crawford that he was very busy, that his responses would be delayed, and that
 22 Mr. Crawford should be patient while he read Mr. Crawford work. Over the course
 23 of months Mr. Weinstein changed the requirements of the assigned tasks adding
 24 conditions beyond the published task description. Mr. Weinstein refused to meet
 25 with Mr. Crawford, respond to Mr. Crawford's emails or interact with Mr. Crawford.
 26 Mr. Weinstein refused to unlock the task for evaluation and refused to permit an
 27 appeal to WGU Senior Leadership in Mentoring.

1 33. After several months of putting Mr. Crawford off and ignoring the competed
 2 revisions, Mr. Weinstein required Mr. Crawford to abandon the task involving
 3 Elliptic Curves over Finite Fields and their application to cryptography upon which
 4 he had worked for over 9 months despite Mr. Crawford completing the many
 5 revisions and providing the additional explanations Mr. Weinstein insisted upon.
 6 Mr. Weinstein declared Mr. Crawford's choice to explore Elliptic Curves over finite
 7 fields and their application to cryptography was too 'old school'. Mr. Weinstein
 8 mocked Mr. Crawford for writing a task response that was over 90 pages long as
 9 being proof he was "old and stubborn". Mr. Weinstein required Mr. Crawford start
 10 over from scratch, abandon the 90-page response, and complete a new simplified
 11 task response free of the 'old school' mathematics that Mr. Weinstein would assign.
 12

13 34. Following Mr. Weinstein's instructions, Mr. Crawford did discard his task
 14 response exploring the function based on an Elliptic Curve Polynomial to complete
 15 the task response in the History and Technology course he had worked on for over 9
 16 months. Mr. Weinstein assigned a "Roller Coaster Polynomial" be an analyzed in
 17 terms of shape. Mr. Weinstein refused to allow Mr. Crawford discussion of first and
 18 second derivatives of the polynomial function as a means for describing the shape of
 19 the polynomial plot. Identifying the inflection points of the polynomial plot using
 20 the zeros of the first derivative was designated by Mr. Weinstein as an "old school
 21 method" of analysis. Mr. Crawford explained to Mr. Weinstein that a discussion of
 22 first and second derivatives was fundamental to evaluating the shape of the curve of
 23 polynomial function plot. The task required a discussion of the shape of the
 24 polynomial plot. Mr. Crawford included a discussion of the slope of tangent lines to
 25 the curve of the polynomial function, intervals where the curve of the polynomial
 26 was either concave up or down, and inflection points on the curve of a polynomial.
 27 Mr. Weinstein referred Mr. Crawford tot teacher success for an additional strike for
 28 including a discussion of first and second derivatives in his task response when Mr.

Weinstein insisted that given the High School Calculus Class for which the Mr.
 COMPLAINT

1 Crawford's lesson was designed, first and second derivatives were not a
 2 fundamental way to demonstrate the shape of the plot of a polynomial function. Mr.
 3 Weinstein refused to unlock the task so that it could be submitted to the task
 4 evaluation team.

5 35. Mr. Crawford asked representatives from Teacher success and
 6 representatives from task assessment teams at WGU to investigate Ms. Henry's and
 7 Mr. Weinstein's practice of interfering with assessment of Mr. Crawford's task
 8 responses. Linda Johnson then warned Mr. Crawford by saying "you are getting
 9 quite the reputation around here". Mr. Crawford complained to WGU teacher
 10 success and requested they investigate the warning and the age based harassment of
 11 the "stubborn old guy". WGU dismissed Mr. Crawford's request for an
 12 investigation.

13 36. WGU did not attempt to prevent other employees from engaging in similar
 14 unlawful discriminatory and harassing conduct. Other employees at the WGU began
 15 subjecting Mr. Crawford to discriminatory and harassing verbal abuse with
 16 impunity, mocking him for bringing his complaint of age discrimination.

17 36. Bridgette Hardin designated Mr. Crawford's series of emails request for
 18 guidance on completing assignments as combative. She referred Mr. Crawford for
 19 disciplinary action

20 24. Mr. Crawford's Mentor, Linda Johnson, has also subjected him to unlawful
 21 discrimination and harassment. By way of example only, Linda Johnson regularly
 22 and openly subjected Mr. Crawford to ridicule and humiliation by referring to Mr.
 23 Crawford as the "Older Student," "Special Case," and "Old Idealist." Linda Johnson
 24 has also made disparaging comments about Mr. Crawford. Linda repeatedly
 25 disparaged Mr. Crawford's academic style by referring to Mr. Crawford as "old
 26 school" and openly expressing her belief that Mr. Crawford was too "old and
 27

1 stubborn" to function in a school where he would have to take direction from an
 2 administrator younger than himself.
 3

4 25. Mr. Crawford has been threatened, as explained in greater detail below.
 5 Although Mr. Crawford reported to the Deans office that Lind Johnson's compliant
 6 of sarcasm was part of a pattern of interfering with Mr. Crawford's progress and an
 7 abuse of the three strikes progressive disciplinary policy used by the teacher's
 8 college, WGU failed to investigate or supervise any employee in connection with
 9 these acts of discrimination, harassment and intimidation. WGU's failure to
 10 investigate and refusal to respond to the complaints that Mr. Crawford has submitted
 11 over the years provides compelling confirmation WGU's indifference to the
 12 unlawful conduct of its employees.
 13

14

15 **B. Other Discriminatory, Harassing, and Degrading Treatment Based on**
 16 **Age.**

17 26. On or about January 11 2015 Linda Jonson warned Mr. Crawford that WGU
 18 faculty was alerted to his "problems" with teacher success so he should be caution in
 19 dealing with course mentors. Linda Johnson warned Mr. Crawford that in light of
 20 his record of conflict he was to be especially cautious in dealing with Bridgette
 21 Hardin the course mentor assigned to Mr. Crawford for his JUT Literature Review
 22 course. Linda Johnson advised Mr. Crawford to communicate with Ms. Hardin
 23 through email only and not by telephone. Mr. Crawford followed Ms. Jonson's
 24 instruction and communicated with Ms. Harden through email only. On or about
 25 January 21, 2015 complained to teacher success that Mr. Crawford's email requests
 26 for guidance was "combative". All interaction with Ms. Hardin the course mentors
 27 was suspended during the WGU treachery success disciplinary review. In Mr.
 28 Crawford's Literature Review task response was locked out of taskstream during
 and after the teacher success investigation of Ms. Hardin's complaint, which

1 prevented objective assessment of the task response. Mr. Crawford's request for
 2 assignment to a different course mentor was denied.

3 27. WGU faculty and staff stigmatized Mr. Crawford as a "struggling older
 4 student". WGU faculty and staff repeatedly referred Mr. Crawford to teacher
 5 success for the application of progressive discipline for use of mathematics symbols
 6 included in the Microsoft Word character viewer menu, the use of La TEX
 7 (pronounced *la the*) (La TX is a document preparation system for high-quality
 8 typesetting. La TEX, set, operator, and mathematical symbols are ubiquitous in
 9 mathematics publishing) based alleged cheating not supported by turn tin scoring,
 10 'sarcasm', request for writing guidance labeled 'combative', and the choice of "old
 11 school' topics in mathematics, WGU constructed a pattern of denying Mr. Crawford
 12 aci by which the WGU provides instructional materials by electronic transmission,
 13 including examinations on the materials and denied Mr. Crawford substantive
 14 interaction between himself and his instructors (mentors). Further WGU used the
 15 threat of progressive discipline and the WGU 3 strikes system deter Mr. Crawford
 16 from initiating regular and substantive instruction with his course mentors
 17 (instructors).

18 28. WGU faculty and staff classified Mr. Crawford with the characterization
 19 that 'older students tend to struggle at WGU'. By repeated referrals to teacher
 20 success and the repeated application of progressive discipline for use of mathematics
 21 symbols included in the Microsoft Word character viewed menu, alleged cheating
 22 not supported by Turnitin scoring, 'sarcasm', request for writing guidance labeled
 23 'combative', and the choice of "old school' topics in mathematics, WGU
 24 constructed a pattern for denying Mr. Crawford interaction with his mentors
 25 (instructors). Mr. Crawford's repeatedly initiated requests for contact with faculty
 26 that were ignored. This resulted in months long delays of assessment of course
 27 work. Mr. Crawford was locked out of the 'task stream' system of objective
 28

1 assessment. Homework submitted to the WGU “task stream” system must pass
 2 assessment for course progress and is a fundamental component of the substantive
 3 interactions that distance learning relies on. Because of his age, WGU faculty and
 4 staff prevented the evaluation of work for passing courses which indeterminately
 5 delayed Mr. Crawford’s periodic progress. Hence through constructing a system of
 6 delay where Mr. Crawford’s progress is delayed, he must re enroll and pay tuition
 7 for additional terms of enrollment while his progress is stalled by the progressive
 8 discipline process.

9
 10 29. WGU faculty and staff classified Mr. Crawford as an older student. WGU
 11 faculty and staff explained many of their actions by saying that ‘older student’s tend
 12 to struggle at WGU’. By repeated referrals to teacher success and the repeated
 13 application of progressive discipline for use of mathematics symbols included in the
 14 Microsoft Word Character Viewer menu, alleged cheating not supported by Turnitin
 15 scoring, ‘sarcasm’, request for writing guidance labeled ‘combative’, and the choice
 16 of “old school” topics in mathematics, WGU constructed a pattern of denying Mr.
 17 Crawford access to faculty used to dismiss Mr. Crawford from the Teacher College.
 18

19 30. WGU faculty and staff classified Mr. Crawford with the characterization that
 20 ‘older students tend to struggle at WGU’. By repeated referrals to teacher success
 21 and the repeated application of progressive discipline for use of mathematics
 22 symbols included in the Microsoft Word character viewed menu, alleged cheating
 23 not supported by Turnitin scoring, ‘sarcasm’, request for writing guidance labeled
 24 ‘combative’, and the choice of “old school” topics in mathematics, WGU
 25 constructed a pattern used by WGU as rationalization for assigning Mr. Crawford to
 26 an alternative degree program. WGU refused to define the program and how it
 27 should credit Mr. Crawford’s completed work. WGU refused Mr. Crawford access
 28 to course mentors for the new program of study.

1 31. Because of his age, instructor and student interaction was severely limited for
2 Mr. Crawford, when not refused altogether. At WGU Mr. Crawford was obliged to
3 initiate instructor interaction often to no avail.

4

5

7 **C. Unlawful Retaliation Committed Against Mr. Crawford**

8 32. After his repeated complaints to his supervisors, Mentors, representatives
9 from Teacher success, and the dean's office WGU failed to stop the discriminatory
10 and harassing conduct.

11 33. Moreover, the WGU unlawfully retaliated against Mr. Crawford for filing his
12 complaint with the US Department of Education Civil Right Division. By way of
13 example only, Mr. Crawford mentors began every follow up mentoring section
14 expressing outrage that Mr. Crawford complained to the Depot of Education.

15 34. Upon information and belief, one of Mr. Crawford's mentors pressured other
16 mentors to delay Mr. Crawford's access to evaluation teams charged with evaluating
17 Mr. Crawford's homework submissions. WGU counsel proposed to Mr. Crawford
18 that he could be assigned another Mentor if he would withdraw his claim.

19

20 35. Additional acts of discrimination and harassment were committed against Mr.
21 Crawford as part of the WGU's campaign of unlawful retaliation.

22 **FIRST CAUSE OF ACTION**

23

24 **Discrimination and Harassment in Violation of the Age Discrimination Act**
25 **of 1975 (the Age Act), 42 U.S.c. 6101et seq., and its implementing regulation, at**
26 **34 C.F.R. Part 110, which prohibit discrimination on the basis of age by**
27 **recipients of Federal financial assistance.**

28 36. Plaintiff hereby repeats and realleges each and every allegation in paragraphs
1 through 53, inclusive, as if fully set forth herein.

1 37. Defendant has discriminated against Plaintiff on the basis of his age in
2 violation of Section 110 by denying him the same terms and conditions of
3 educational access available to students who are not designated "old guy", including
4 but not limited to, subjecting him to disparate conditions and denying him the
5 opportunity advance his pursuit of a master degree in math education in an
6 environment that permits substantive interaction with faculty and is free of unlawful
7 harassment.

8
9 38. Defendant has discriminated against Plaintiff on the basis of his age in
10 violation of Section 110 by creating, fostering, and accepting, ratifying and/or
11 otherwise failing to prevent or to remedy a hostile environment that included, among
12 other things, severe and pervasive harassment of Plaintiff because of his age.
13

14 39. As a direct and proximate result of Defendant's unlawful and discriminatory
15 conduct in violation of Section 110 , Plaintiff has suffered and continue to suffer
16 severe mental anguish and emotional distress, including but not limited to
17 depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and
18 self-confidence, emotional pain and suffering, for which he is entitled to an award of
19 relief.

20 40. Defendant's unlawful and discriminatory conduct in violation of Section 110
21 was outrageous and malicious, was intended to injure Plaintiff, and was done with
22 conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of
23 punitive damages.

24 **SECOND CAUSE OF ACTION**

25 **Retaliation in Violation Age Discrimination Act of 1975 (the Age Act), 42**
26 **U.S.c. 6101et seq., and its**
27 **implementing regulation, at 34 C.F.R. Part 110, which prohibit discrimination**
28 **on the basis of age by recipients of Federal financial assistance.**

1
2
3 41. Plaintiff hereby repeats and realleges each and every allegation in paragraphs
4 through 58, inclusive, as if fully set forth herein.
5

6 42. Defendant has discriminated against Plaintiff on the basis of his age in
7 violation of Title VII by denying him the same terms and conditions of educational
8 access and experience available to students not designated "old guy" including but
9 not limited to, subjecting him to disparate conditions and denying him the
10 opportunity to pursue his education work in a setting free of unlawful harassment.
11

12 43. Defendant has discriminated against Plaintiff on the basis of his age in
13 violation of Title VII by creating, fostering, accepting, ratifying and/or otherwise
14 failing to prevent or to remedy a hostile environment that included, among other
things, severe and pervasive harassment of Plaintiff because of his age.
15

16 44. As a direct and proximate result of Defendant's unlawful and discriminatory
17 conduct in violation of Title VII, Plaintiff has suffered and continue to suffer severe
18 mental anguish and emotional distress, including but not limited to depression,
19 humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-
confidence, emotional pain and suffering, for which he is entitled to an award of
20 relief including legal fees.
21

22 45. Defendant's unlawful and discriminatory conduct in violation of section was
23 outrageous and malicious, was intended to injure Plaintiff, and was done with
24 conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of
25 punitive damages..
26

27 49. As a direct and proximate result of Defendant's unlawful and retaliatory
28 conduct in violation of section 110 , Plaintiff has suffered and continue to suffer
severe mental anguish and emotional distress, including but not limited to
depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and
1

self-confidence, emotional pain and suffering, as well as physical injury, for which he is entitled to an award of monetary damages and other relief.

50. Defendant's unlawful and retaliatory conduct in violation of section 110 was outrageous and malicious, was intended to injure Plaintiff, and was done with conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in his favor and against Defendant, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the laws of the United States;

B. An injunction and order permanently restraining Defendant from engaging in such unlawful conduct;

C. An order directing Defendant to place Plaintiff in the position he would have occupied but for Defendant's discriminatory and harassing treatment and otherwise unlawful conduct, as well as to take such affirmative action as is necessary to ensure that the effects of these unlawful practices are eliminated and do not continue to affect his education;

D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic harm;

E. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to his professional and personal reputations and loss of career fulfillment;

F. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory harm,

1 including but not limited to, compensation for his mental anguish, humiliation,
2 embarrassment, stress and anxiety, emotional pain and suffering, emotional distress;
3
4

5 G. An award of damages for any and all other monetary and/or non-monetary
6 losses suffered by Plaintiff in an amount to be determined at trial, plus prejudgment
7 interest;

8 H. An award of punitive damages;

9 I. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's
10 reasonable attorneys' fees to the fullest extent permitted by law; and

11 J. Such other and further relief as the Court may deem just and proper.

12 1. Plaintiff Mark Crawford ("Mr. Crawford"), on behalf of himself , alleges
13 Defendant, WGU Inc. ("WGU") through its action , violated the Age
14 Discrimination in Employment Act, Age Discrimination Act of 1975 (the Age Act),
15 42 U.S.c. 6101et seq., and its implementing regulation, at 34 C.F.R. Part 110, which
16 prohibit discrimination on the basis of age by recipients of Federal financial
17 assistance. As a recipient of Federal financial aid from the Department of
18 Education, WGU is subject to the age and it's implementing regulation.

19 2. Autumn of 2013 WGU vetted Mr. Crawford's application for
20 acceptance to the WGU Teacher's College Master of Mathematics Education
21 program of study. The vetting required that Mr. Crawford satisfactorily pass
22 mathematics competency exams to demonstrate mastery of subject matter and
23 provide curriculum vitae that demonstrated academic achievement necessary for
24 admission to the WGU Masters of Mathematics Education degree program. Mr.
25 Crawford satisfied all required and was accepted to the WGU Masters of
26 Mathematics Education (Prima Facie, Direct evidence, comparator, age
27 discriminating is pervasive.

28 Mr. Crawford contends that, because of his age (58 years in 2013), WGU faculty,
staff, and administration discriminated against him by choosing to ignore WGU

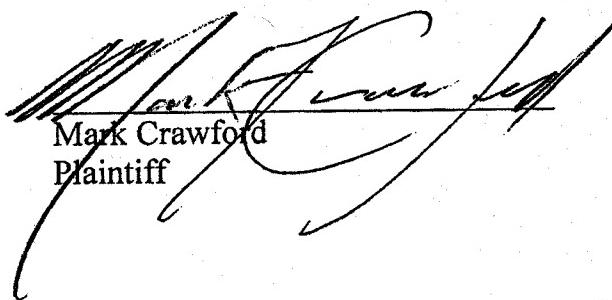
COMPLAINT

1 policy directing: faculty conduct standards, timely assessment of homework
2 assignments, the management of faculty student communication, timely online
3 communication, guidance to support the completing of degree requirement, and
4 repeatedly falsely claimed his work was simply cut and pasted from the internet,
5 Mr. Crawford asserts that WGU faculty and administration retaliated against him for
6 having complained about such discrimination, created a hostile environment for him,
7 caused him to suffer major depression, punished him by delaying WGU policy
8 mandated assessment of his work, delaying his timely progress, requiring him to pay
9 tuition for additional quarters and finally diverting him to a non teaching degree.
10
11 .
12

13 CONCLUSION

14 WHEREFORE, the Plaintiff, Mark Crawford respectfully asks this Court to
15 grant him such declaratory, injunctive and other relief as it deems just and
16 proper.
17

18 Date: December 29, 2017.
19
20
21
22
23
24
25
26
27
28



Mark Crawford
Plaintiff